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Letter dated 23 May 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 23 May 2002, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 23 May 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 23 May 2002 addressed to you by His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning the unilateral change of the provisions for search and rescue services within the Nicosia flight information region and other issues raised by a Greek Cypriot delegate at the United Nations in his letter addressed to you on 17 April 2002 (A/56/925-S/2002/441) (see enclosure).

I should be grateful if the present letter and its enclosure could be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Enclosure

Turkish Republic of Northern Cyprus
President's Office

I would like to refer to the letter dated 17 April 2002 (A/56/925-S/2002/441), addressed to you by a Greek Cypriot delegate at the United Nations, and bring to your kind attention the following in this connection.

At the outset, I would like to point out that the Greek Cypriot representative's reference to myself and the Turkish Republic of Northern Cyprus (TRNC) Representative in New York as the purported "President" and "Representative" of the TRNC, respectively, demonstrates the fact that the Greek Cypriot side is not yet prepared to come to terms with the current realities in the island and is still far from conceding the equal status and sovereign rights of the Turkish Cypriot people. This mentality is symptomatic of why we have failed to arrive at a negotiated settlement in Cyprus in all these years. Indeed, such a settlement will continue to elude us so long as the Greek Cypriot side, not to mention the international community at large, does not acknowledge that the Greek Cypriot Administration in southern Cyprus does not and cannot represent the Turkish Cypriot people and the island as a whole.

The letter in question, circulated by the Greek Cypriot side, attempts to refute the views of the Turkish Cypriot side concerning the unilateral change of the provisions for search and rescue (SAR) services within the Nicosia flight information region (FIR), as expounded in my letter of 6 March 2002 addressed to you, which has been circulated as document A/56/874-S/2002/273.

I would like to reiterate our considered position on this matter and also respond to some of the other issues raised by the Greek Cypriot delegate in his above-mentioned letter of 17 April 2002.

The unilateral handing over of SAR services to the Greek Cypriot side is contrary to the provisions of the 1960 Treaties on Cyprus and ignores the rules and procedures of the International Civil Aviation Organization (ICAO). The 1960 Treaties on Cyprus clearly provide that any change to these arrangements could only be possible with the consent of the parties to the said Treaties. ICAO rules and regulations also have provisions for prior consultation and agreement in relation to regional plans.

Notwithstanding the above-mentioned unilateral and illegal change in the provision of SAR services, the Greek Cypriot Administration in southern Cyprus has no competence or authority to extend SAR services to the territory, airspace or territorial waters of the Turkish Republic of Northern Cyprus. The Government of the TRNC provides air traffic and information services within the airspace and territory of the TRNC. The TRNC authorities possess the necessary means to provide SAR and other aeronautical services within the territory and airspace of northern Cyprus. This has been amply demonstrated by the recent wide-ranging search and rescue exercises held in the TRNC on 2 and 4 May 2002. The *Martyr Lieutenant Caner Gönyeli 2002 Joint SAR Exercise*, held on 2 May 2002, was carried out with the participation of SAR units belonging to the Turkish Naval and Air Forces and Turkish Cypriot Security Forces, and SAR units of Turkish and Turkish Cypriot public and civilian institutions and organizations. The *Turkish Cypriot Security Forces Exercise*, held on 4 May 2002, was carried out with the participation of SAR units from the Turkish Cypriot Security Forces, Turkish

Cypriot Civil Defence Organization and the Ministry of Communication and Public Works.

The Greek Cypriot delegate has also raised questions as to the "legality" of the Turkish Republic of Northern Cyprus and has even alleged that the TRNC "from time to time endangers air traffic by attempting to interfere in the supervision of air traffic in the Nicosia FIR". I hasten to remind all concerned that the only threat to aviation safety in the region comes from the Greek Cypriot side, which regularly creates serious problems by transmitting jamming signals on the same frequency used by Ercan Airport Traffic Control (ATC). It will be recalled that the authorities of the TRNC have brought this matter, more than once, to the attention of the United Nations officials and have requested that urgent representations be made with the Greek Cypriot side in order to put an end to this illegal interference, which endangers human lives. We call upon the Greek Cypriot side to act responsibly and to make sure that such illegal acts do not recur in the future.

On the question of "legality", let me say once again that the so-called "Government of Cyprus" is none other than the Greek Cypriot Administration, whose jurisdiction extends only over the Greek Cypriot areas in southern Cyprus. This Administration cannot claim the right to represent or speak for the whole of Cyprus, but can only represent or speak for the Greek Cypriot people and the southern part of the island. The Turkish Republic of Northern Cyprus, on the other hand, is the sole competent authority which can speak for and act on behalf of the Turkish Cypriot people. The territory of the TRNC is under the full control and authority of the Turkish Cypriot people and administered under the Constitution of the TRNC and the laws made thereunder by democratically elected institutions.

In view of the foregoing realities, if the Greek Cypriot side genuinely wishes to contribute to a positive outcome of the current talks on Cyprus, it would be wise and indeed necessary, to refrain from taking unlawful actions, as in the case of SAR services, which not only completely ignore the sovereign equality of the two sides in Cyprus but also clearly impede the search for a comprehensive settlement through the ongoing process of direct talks between the two sides on the basis of the agreement reached between myself and the Greek Cypriot leader, Mr. Clerides, on 4 December 2001 (see S/2001/1162). The current stance and unilateral actions of the Greek Cypriot side are not consistent with the spirit of good will and do not bode well for the prospects of a positive outcome of the talks currently under way.

(*Signed*) Rauf R. **Denktaş**
President